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20 Attorneys for Defendants

21 CITY AND COUNTY OF SAN FRANCISCO,

22 HEATHER FONG, in her official capacity,

23 JOHN KESSOR, MICHELLE ALVIS and

24 PAUL MORGADO

25 UNITED STATES DISTRICT COURT

26 FOR THE NORTHERN DISTRICT OF CALIFORNIA

27 KATHLEEN ESPINOSA, individually and as
28 personal representative of the Estate of decedent
ASA SULLIVAN; A.S., by and through his
Guardian ad Litem, NICOLE GUERRA;

Plaintiffs,

vs.

29 CITY AND COUNTY OF SAN FRANCISCO,
30 a municipal corporation; HEATHER FONG, in
31 her capacity as Chief of Police for the CITY
32 AND COUNTY OF SAN FRANCISCO; JOHN
33 KEESOR, individually, and in his capacity as a
34 police officer for the CITY AND COUNTY OF
35 SAN FRANCISCO; MICHELLE ALVIS,

Case No. C 06 04686 JSW

**FURTHER STIPULATION TO EXTEND
MEDIATION DEADLINE**

individually and in her capacity as a police officer for the CITY AND COUNTY OF SAN FRANCISCO; PAUL MORGADO, individually and in his capacity as a police officer for the CITY AND COUNTY OF SAN FRANCISCO; and, San Francisco police officers DOES 1-25, inclusive,

Defendants.

STIPULATION

On November 9, 2007, counsel for the parties to the above-entitled action participated in an ADR telephone conference regarding mediation of this matter. Previously, the Court granted the parties request to extend the ADR deadline in this case to October 8, 2007. The Court recently granted the parties request to continue the pre-trial and trial dates in this matter due to the substantial discovery remaining to be completed.

After meeting and confer with each other, and participating in an ADR telephone conference, counsel for the parties respectfully request that the ADR deadline to conduct mediation be further extended. Both sides remain entrenched in their respective positions. Counsel for the Defendants indicated to the Court at the Initial Case Management Conference that they intend to file a dispositive Motion for Summary Judgment against the Plaintiffs. The parties continue to believe ADR will be ineffective until after dispositive motions have been filed and decided. In the event that dispositive motions do not terminate this action, the parties respectfully request that they be allowed to participate in mediation through the Court's ADR process following rulings on such dispositive motions as may be filed in this matter.

SO STIPULATED.

Dated: April 21, 2008

The Law Offices of John L. Burris

/s/ Benjamin Nisenbaum

Benjamin Nisenbaum, Esq.
Attorney for Plaintiffs

1 Dated: April 21, 2008

Dennis J. Herrera, City Attorney
Joanne Hoepper, Chief Trial Attorney
Blake P. Loeb, Deputy City Attorney
Peter J. Keith, Deputy City Attorney

4
5 /s/ Peter J. Keith

Peter J. Keith

6 Attorney for Defendants

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9 **(PROPOSED) ORDER**

10 Good cause shown, based on the representation of counsel for the parties in their further joint
11 stipulation, the Court hereby grants the parties' further stipulation and orders that the deadline to
12 complete ADR through the Court-appointed mediation process in this matter be continued until a
13 reasonable time, not exceeding ³⁰~~45~~ days, after the Court rules on such dispositive motions as may be
14 filed in this matter.
15

16 **IT IS SO ORDERED.**

17
18 Dated: April 23, 2008

19 
UNITED STATES DISTRICT COURT JUDGE